



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

Q. 3
1/28/97

US EPA RECORDS CENTER REGION 5



471291

JAN 28 1997

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

John P. Gartland
Arter & Hadden
10 West Broad Street, Suite 2100
Columbus, Ohio 43215-3422

Re: Access

Sanitary Landfill Company (IWD) Superfund Site ("Site")
Moraine, Ohio

Dear Mr. Gartland:

As you know, U.S. EPA has determined that, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), as amended, 42 U.S.C. § 9601 et seq., response actions are necessary at the above-referenced Site. As you also know, the United States has entered into a Consent Decree with a number of parties whereby those parties (hereinafter referred to as "Settling Defendants") have agreed to perform the requisite remedial action at the Site. In order for the Settling Defendants to implement the remedy at the Site, they, the United States and their representatives need permanent access to the Site. Section 104(e) of CERCLA authorizes U.S. EPA to obtain such access. Your client, Robert B. Snyder, Trustee of the Robert L. Snyder Trust is an owner of the property upon which the Site is located.

The Settling Defendants have advised U.S. EPA, that despite their best efforts, they were unsuccessful in their attempts to obtain access from your clients. Thereafter, Karen Peaceman, Assistant Regional Counsel for U.S. EPA, also made several attempts to obtain access from Robert B. Snyder. She has summarized those efforts in a separate letter to you dated January 14, 1997. As of today Robert B. Snyder has not consented to give the U.S. EPA, the Settling Defendants or their representatives clean,

unambiguous access to the property so that the remedial action can be conducted.

On behalf of U.S. EPA, I am once again requesting that Robert B. Snyder give U.S. EPA, the Settling Defendants and their representatives access to the property so that the Settling Defendants can perform the remedial action at the Site. Accordingly, please have Robert B. Snyder execute the enclosed Consent for Access to Property. If U.S. EPA does not receive the executed Consent for Access to Property within five days of your receipt of this letter, the Agency will be forced to consider its enforcement options pursuant to Section 104(e)(5) of CERCLA.

Please call me at (312) 886-8961 or Karen L. Peaceman at (312) 353-5751 if you have any questions or concerns in this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Anthony Rutter", with a long horizontal flourish extending to the right.

Anthony Rutter
Remedial Project Manager

enclosure

cc: Karen L. Peaceman

ATTACHMENT A

Landfill Parcel

Situated in Sections 1 and 7, Town 1, Range 7 M.R.S., and being partly in the City of Kettering and partly in the City of Moraine, County of Montgomery, State of Ohio and being a part of a 73.71 acre tract of land conveyed to Robert L. and Paul B. Snyder by Deed recorded in Deed Book 1925, Page 529 of the Deed Records of said Montgomery County and being more particularly described as follows:

Beginning at a point at the northeast corner of the original 73.71 acre tract as originally described in Deed Book 895, Page 427 of the Deed Records of said County; thence with the east line of said tract and the west line of a 16 foot alley due South 146.80 feet to a point; thence North 84 degrees 24 minutes 00 seconds West 175.00 feet to a point; thence due North 3.96 feet to a point; thence North 84 degrees 24 minutes 00 seconds West 127.21 feet to a point; thence South 5 degrees 45 minutes 00 seconds West 136.95 feet to a point; thence South 84 degrees 24 minutes 00 seconds West 4.62 feet to a point on the west line of Lance Drive projected to the north line of Bowman Avenue; thence along said projection and said west line of Lance Drive South 5 degrees 45 minutes 00 seconds East 288.57 feet to a point; thence South 84 degrees 15 minutes 00 seconds West 123.00 feet; thence South 5 degrees 45 minutes 00 seconds East 200.00 feet to a point; thence North 84 degrees 15 minutes 00 seconds East 123.00 feet to a point; thence South 5 degrees 45 minutes 00 seconds East 415.85 feet to a point; thence along the arc of a curve to the right having a radius of 556.89 feet a distance of 148.43 feet, the chord of said curve bears South 1 degree 26 minutes 30 seconds West 147.62 feet to a point; thence South 20 degrees 59 minutes 00 seconds West 54.23 feet to a point; thence South 23 degrees 05 minutes 00 seconds West 43.63 feet to a point; thence South 14 degrees 00 minutes 00 seconds West 332.63 feet to a point; thence North 76 degrees 00 minutes 00 seconds West 300.00 feet to a point; thence South 14 degrees 00 minutes 00 seconds West 222.00 feet to a point; thence North 76 degrees 00 minutes 00 seconds West 100.00 feet to a point; thence South 14 degrees 00 minutes 00 seconds West 191.00 feet to a point; thence South 76 degrees 00 minutes 00 seconds East 100.00 feet to a point; thence South 14 degrees 00 minutes 00 seconds West 194.00 feet to a point; thence South 76 degrees 00 minutes 00 seconds East 300.00 feet to a point; thence South 14 degrees 00 minutes 00 seconds West 309.00 feet to a point at the intersection of the projection of the west line of Lance Drive with the projection of the North line of Cardington Road; thence along said Right of Way North 86 degrees 06 minutes 00 seconds West 210.00 feet to a point; thence North 3

degrees 54 minutes 00 seconds East 230.00 feet to a point; thence North 86 degrees 06 minutes 00 seconds West 130.00 feet to a point; thence South 3 degrees 54 minutes 00 seconds West 230.00 feet to a point; thence North 86 degrees 06 minutes 00 seconds West 380.33 feet to a point; thence North 1 degree 16 minutes 30 seconds West 2663.44 feet to a point; thence South 85 degrees 15 minutes 34 seconds East 1355.28 feet to the place of beginning. Containing 55.127 acres more or less. Subject to all legal easements and highways of record.

The above description describing part of Lot No. 3014 of the revised and consecutively numbered lots of the City of Moraine, Ohio.

Tract 1

Situated in Van Buren Township (now City of Kettering and Moraine Township) Montgomery County, Ohio, in Section 7, Town 1, Range 7, MRS.

Beginning on the south line of said Section 7, at the southwest corner of lands conveyed to Milton G. Snyder by deed recorded in Book 895, Page 427 in the Deed Records of Montgomery County, Ohio; thence with the south line of said Section 7, north 86°5'30" west for 1388.19 feet to the southeast corner of land conveyed to Elizabeth H. Heikes by deed recorded in Deed Book 982, page 39 in the Deed Records of Montgomery County, Ohio; thence with the east line of said Heikes land and with its extension, said extension being the boundary of land conveyed to the Moraine Sand and Gravel Company by deed recorded in Book 1117, Page 130 in the Deed Records of Montgomery County, Ohio, north 3°32'30" east for 720.82 feet; thence with said boundary south 86°10'5" east for 367.40 feet; thence with said boundary north 3°52'5" east for 776.22 feet to the south line of said land conveyed to Calvary Cemetery Association by deed recorded in Book 1039, page 580, in the Deed Records of Montgomery County, Ohio; thence with said south line south 86°33'15" east for 281.79 feet; thence with said south line south 4°40'20" west for 111.88 feet; thence with said south line 89°31'45" east for 746.72 feet to the west line of said Milton G. Snyder's land; thence with said west line south 3°53'50" west for 1432.70 feet to the point of beginning, containing 39.81 acres, more or less, now known as Lot No. 3012 of the revised and consecutively numbered lots of the City of Moraine, Ohio.

Tract 2

Situate in the City of Moraine, County of Montgomery, State of Ohio, and being Lot Numbered 3019 of the revised and consecutively numbered lots of the City of Moraine.

Tract 3

Situate in the Cities of Moraine and Kettering, County of Montgomery, State of Ohio and being further described as follows:

Situate partly in the City of Moraine and partly in the City of Kettering and being formerly a part of Section 7, Town 1, Range 7 MR's, County of Montgomery and State of Ohio and being part of that tract of land conveyed by C.C. Nollman to M.G. Snyder as recorded in Deed Book 895, Page 427 of the Montgomery County Records and being more particularly described as follows: Beginning at a point in the east line of Lance Drive South, said point being 625.10 feet north of the intersection of the east line of Lance Drive South with the centerline of Cardington Drive West; thence northwardly along the east line of Lance Drive South, a distance of 120 feet to a point; thence eastwardly at right angles to said Lance Drive South, a distance of 200 feet to a point; thence southwardly parallel to Lance Drive South, a distance of 120 feet to a point; thence westwardly, a distance of 200 feet to the place of beginning, containing 0.551 acres more or less.

That portion of the above described property which is situated in the City of Moraine is known as Lot 3020 of the revised and consecutively numbered lots of the City of Moraine, Ohio.

Tract 4

Situate in the City of Moraine, County of Montgomery, and State of Ohio and being Lot Numbered 3810 of the revised and consecutively numbered lots of the City of Moraine, Ohio.

Tract 5

The following described real estate situate in Fractional Section 12, Town 1, Range 6 MRs of the City of Moraine, Montgomery County, Ohio, and being a part of the 22.0 acre tract as described in Deed

Book 2156, Page 189 of the Montgomery County Deed Records, and also being a part of lot 3192 of the revised and consecutive number of lots of the City of Moraine, Montgomery County, Ohio. Being more particularly described as follows:

Beginning in the north line of said Fractional Section 12 and in the centerline of Proposed Cardington Road, and in the North line of said 22.0 acre tract, and in the North line of said lot 3192, and at the northwest corner of lot 3538 (a 2.000 acre tract described in MF 71-498C07 of the Montgomery County Deed Records);

Thence South $3^{\circ}52'24''$ West with the west line of said lot 3538 for a distance of 555.86 feet to the south line of said lot 3192 and to the southwest corner of said lot 3538;

Thence South $88^{\circ}30'00''$ West with a south line of said lot 3192 for a distance of 676.56 feet to the southeast corner of a 2.000 acre tract as described in MF D83-112B08 of the Montgomery County Deed Records;

Thence North $3^{\circ}52'24''$ East with the east line of the said 2.000 acre tract for a distance of 619.22 feet to the northeast corner thereof and to the north line of said lot 3192;

Thence South $86^{\circ}07'36''$ East with the north line of Fractional Section 12, and with the centerline of Proposed Cardington Road, and with the north line of the said 22.0 acre tract, and with the north line of said line 3192 for a distance of 673.59 feet to the place of beginning.

Containing 9.085 acres more or less.

Subject to 30.00 feet by parallel lines off the north part of the above described premises for the south half of Cardington Road. Subject to all conditions of record pertaining to the above described premises, and to 30.00 feet right of way off north part of described premises granted to William D. Carpenter and Ronald H. Barnett.

Tract 6

Situated in the City of Kettering, County of Montgomery, State of Ohio, in Section 7, Town 1, Range 7 M.R.S.; and being part of a tract of land conveyed to Robert L. and Paul B. Snyder by Deed

recorded in Deed Book 1925, Page 529 of the Montgomery County Records and being more particularly described as follows:

Beginning at a point at the southwest corner of a tract of land conveyed to Paul Klees by Deed 76 633C08 of the Records of said County, said point also being on the northerly Right of Way of Industrial Estates Drive (a 60 foot street); thence along the arc of a curve to the right having a radius of 179.31 feet for a distance of 108.54 feet, the chord of said curve bears North 69 degrees 34 minutes 35 seconds West 106.89 feet to a point; thence North 72 degrees 09 minutes 30 seconds West 30.84 feet to a point; thence along the arc of a curve to the right having a radius of 20.00 feet for a distance of 25.56 feet, the chord of said curve bears North 15 degrees 37 minutes 34 seconds West 23.85 feet to a point; thence along East line of Lance Drive North 20 degrees 59 minutes 00 seconds East 55.15 feet to a point; thence along the arc of a curve to the left having a radius of 606.89 feet for a distance of 19.92 feet, the chord of said curve bears North 20 degrees 02 minutes 34 seconds East 19.92 feet to the southwest corner of a 1.123 acre tract and the North line of Snyder's property; thence along North line North 84 degrees 15 minutes 00 seconds East 150.00 feet to a point; thence South 14 degrees 26 minutes 00 seconds West 160.00 feet to the place of beginning. Containing 0.494 acres more or less subject to all legal easements and highways of record.

Tract 7

Situated in the City of Moraine, County of Montgomery, and State of Ohio and being Lot Numbered 3018 of the revised and consecutively numbered lots of the City of Moraine, Ohio.

CONSENT FOR ACCESS TO PROPERTY
SANITARY LANDFILL SUPERFUND SITE
(MORaine, OHIO)

Name: Robert B. Snyder
Trustee, Robert L. Snyder Trust

Address of Property: See Attachment A (hereinafter referred to as "Property").

I consent to officers, employees, contractors, and authorized representatives of the United States Environmental Protection Agency (U.S. EPA), the State of Ohio, and the Settling Defendants in the matter styled United States v. Tremont Landfill Company, et al., C 3-96-221 in the United States District Court for the Southern District of Ohio (hereinafter referred to as "Settling Defendants"), Western Division entering and having continued access to the Property for the following purposes:

Securing the Property and containing hazardous materials present on the Property;

Conducting sampling, taking measurements and other investigatory activity on the Property;

Consolidating, stockpiling, handling, studying, treating, and disposing of hazardous materials;

Installing and maintaining monitoring wells;

Installing and maintaining fencing;

Constructing and maintaining drainage channels and sedimentation basins and their discharge points and areas receiving discharge from such channels and basins;

Constructing and maintaining structures, including the landfill cap, as described in any and all work plans;

Performing long-term (30 years) operation and maintenance of the landfill cap, gas extraction system and other remedial action components;

Performing other actions to investigate contamination on the Property that U.S. EPA may determine to be necessary; and

Taking any response action to address any release or threatened release of a hazardous substance, pollutant or contaminant which U.S. EPA determines may pose an imminent and substantial endangerment to the public health or the environment.

I realize that the actions taken by U.S. EPA and the Settling Defendants are undertaken pursuant to U.S. EPA's response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. § 9601 et seq.

This written permission is given by me voluntarily, on behalf of myself and all other co-owners of this property, with knowledge of my right to refuse and without threats or promises of any kind.

Date

Signature